

112TH CONGRESS
2D SESSION

H. R. 4092

To amend the National Defense Authorization Act for Fiscal Year 2012 to provide clarification of the relationship of certain constitutional rights to provisions of law relating to the military detention of certain covered person.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2012

Mr. GIBSON introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the National Defense Authorization Act for Fiscal Year 2012 to provide clarification of the relationship of certain constitutional rights to provisions of law relating to the military detention of certain covered person.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CLARIFICATION OF RELATIONSHIP OF CON-**
2 **STITUTIONAL RIGHTS TO PROVISIONS OF**
3 **LAW RELATING TO THE MILITARY DETEN-**
4 **TION OF CERTAIN COVERED PERSONS.**

5 The National Defense Authorization Act for Fiscal
6 Year 2012 (Public Law 112–81) is amended—

7 (1) in section 1021, by adding at the end the
8 following new subsection:

9 “(g) PRESERVATION OF CONSTITUTIONAL RIGHTS.—
10 Notwithstanding any other provision of this section, the
11 writ of habeas corpus shall remain available to any indi-
12 vidual detained within the United States and no American
13 citizen or lawful resident may be detained without all the
14 rights of due process to include, but not limited to—

15 “(1) the right to a speedy and public trial by
16 an impartial jury;

17 “(2) the right to be informed of the nature of
18 the accusation;

19 “(3) the right to be confronted with the wit-
20 nesses against them;

21 “(4) the right to have compulsory process for
22 obtaining witnesses in their favor;

23 “(5) the right to have the assistance of legal
24 counsel; and

25 “(6) all other rights afforded to them by the
26 Constitution of the United States.”; and

1 (2) in section 1022, by adding at the end the
2 following new subsection:

3 “(f) PRESERVATION OF CONSTITUTIONAL RIGHTS.—

4 Notwithstanding any other provision of this section, the
5 writ of habeas corpus shall remain available to any indi-
6 vidual detained within the United States and no American
7 citizen or lawful resident may be detained without all the
8 rights of due process to include, but not limited to—

9 “(1) the right to a speedy and public trial by
10 an impartial jury;

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12 the accusation;

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14 nesses against them;

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16 obtaining witnesses in their favor;

17 “(5) the right to have the assistance of legal
18 counsel; and

19 “(6) all other rights afforded to them by the
20 Constitution of the United States.”.

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